

**STATE OF ILLINOIS  
COMMERCE COMMISSION  
PUBLIC UTILITIES  
MINUTES OF SEPTEMBER 26, 2006  
BENCH MEETING**

Pursuant to Section 2.02 of the Open Meetings Act, a Bench Meeting of the Commerce Commission was convened by Chairman Box at 10:35 a.m. on September 26, 2006 in the Springfield Office of the Commission. Present in Springfield were: Chairman Box and Commissioner Wright. Present in Chicago were: Commissioners Ford, Lieberman, and O'Connell-Diaz.

<b>Approval of Minutes</b>
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The following minutes were considered:

August 25, 2006 Electric Policy Transcript  
August 30, 2006 Bench Meeting

**Commissioner Lieberman made a Motion to Adopt the Minutes. Commissioner Wright seconded the Motion. All present voted aye on the Motion.**

<b>Electric</b>
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E-1	ERM #125	Central Illinois Light Company d/b/a AmerenCILCO Tariffs establishing a real-time pricing rider for large interruptible customers.
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**All present voted aye to Not Suspend the Filing**

E-2	ERM #126	Central Illinois Public Service Company d/b/a AmerenCIPS Tariffs establishing a real-time pricing rider for large interruptible customers.
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**All present voted aye to Not Suspend the Filing**

E-3	ERM #127	Illinois Power Company d/b/a AmerenIP Tariffs establishing a real-time pricing rider for large interruptible customers.
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**All present voted aye to Not Suspend the Filing**

E-4	ERM #134 06-0590	Commonwealth Edison Company Petition for entry of an Order permitting ComEd's proposed revision of Rider 3, to permit the use of a repayment plan
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in certain circumstances, to be filed and to take effect on less than 45 days' notice.

**All present voted aye on the Special Permission**

E-5	03-0056	Illinois Commerce Commission On Its Own Motion Proceeding to monitor the ongoing development of the marketplace for Commonwealth Edison Customers.
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Topics of discussion included: ALJ Haynes gave an overview of her Report; Staff filed its Second Market Monitoring Report in April, 2006, and the parties filed Comments and Reply Comments; the main issue is whether the Commission should initiate a proceeding to reconsider ComEd's competitive declaration; parties' concerns include: whether switching data used in 02-0479 can still be relied on to show competitiveness of the market; that the Herfindahl-Hirschman Index ("HHI") was not considered in 02-0479 and is now included in Staff's Second Report; and whether there is enough data available on which to base this decision; Staff does not believe a competitive market exists for interruptible customers and would like more information; however, only three RESs have regularly supplied data; the Coalition of Energy Suppliers ("CES") recommended including statutory reporting requirements in ARES registration packets; Commissioner Wright stated that he is not in favor of any effort to overturn the Commission's decision in 02-0479; at the time of the Order in 02-0479, the switching data and all factors that went into Rider 6L were sufficient to make that decision; any party questioning the competitiveness of this declaration could have filed a complaint in the Market Monitoring docket; he said the Commission is well advised to continue seeking data to become better informed with information on switching and HHI; Commissioner O'Connell-Diaz concurred with Commissioner Wright and does not see a need to re-visit the Commission's decision in that proceeding; Chairman Box felt the Commission should make it a requirement that statutory reporting information be included in ARES registration packets.

**Commissioner Wright made a Motion to adopt the Administrative Law Judge's Report. Commissioner O'Connell-Diaz seconded the Motion. All present voted aye on the Motion.**

E-6	04-0583	BlueStar Energy Services, Inc. Complaint requesting ICC to order Illinois Power Company to cease and desist from promoting and marketing retail electric products in violation of 83 Ill. Adm. Code 452.240.
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**All present voted aye on the Motion to Dismiss**

E-7	05-0667	William Bates, Trustee, CRB Trust -vs- Illinois Power Company d/b/a AmerenIP Complaint as to trespassing and destruction of private property in Champaign County, Illinois.
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**All present voted aye on the Order Granting Complaint in Part and Denying in Part**

E-8	06-0475	James Fransen -vs- Commonwealth Edison Company Complaint as to improper installation of electric cable that caused a break in sewer line in Homer Glen, Illinois.
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**All present voted aye on the Order Dismissing Complaint**

E-9	06-0525	Illinois Commerce Commission On Its Own Motion Consideration of the federal standard on interconnection in Section 1254 of the Energy Policy Act of 2005.
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**All present voted aye on the Amendatory Order**

E-10	06-0584	BOC Energy Services, Inc. Application for Certificate of Service Authority Under Section 16-115 of the Public Utilities Act.
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**All present voted aye on the Order Approving Application**

E-11	06-0601	<p>Constellation NewEnergy, Inc.</p> <p>Application to Amend Certificate of Service Authority in Order to Provide Single-Billing Service to Customers in the AmerenCILCO, AmerenCIPS, and AmerenIP Service Territories Pursuant to Code Part 451.510.</p>
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**All present voted aye on the Order Approving Application**

## Gas

G-1            03-0699            Illinois Commerce Commission  
On Its Own Motion  
-VS-

Illinois Power Company  
Reconciliation of revenues collected under gas adjustment  
charges with actual costs prudently incurred.

**All present voted aye to Deny the Request for Oral Argument**

**All present voted aye on the Order Approving Reconciliation**

G-2	05-0237	Central Illinois Public Service Company d/b/a AmerenCIPS, Union Electric Company d/b/a AmerenUE, Central Illinois Light Company d/b/a AmerenCILCO, Illinois Power Company d/b/a AmerenIP, Commonwealth Edison Company, Illinois-American Water Company, MidAmerican Energy Company, Northern Illinois Gas Company d/b/a Nicor Gas Company, North Shore Gas Company and The People Gas Light and Coke Company Petition To Initiate Rulemaking With Notice and Comment for Approval of Certain Amendments to Illinois Administrative Code Part 280 Concerning Deposit Requests and Deposit Refunds by Utilities.
	06-0202	
	(Cons.)	South Austin Coalition Community Council and Community Action for Fair Utility Practice Petition to Initiate Rulemaking with Notice and Comment for Approval of Certain Amendments to Illinois Administrative Code Part 280.
	06-0379	
		Citizens Utility Board and The People of the State of Illinois Petition to Initiate Rulemaking with Notice and Comment for Approval of Certain Amendments to Illinois Administrative Code Part 280.

Topics of discussion included: ALJ Hilliard gave an overview of this case; the Joint Utilities sought revisions of certain sections of Administrative Code Part 280; however, the Intervenor's responsive testimony in the proceeding did not address the changes proposed in Docket 05-0237; the Joint Utilities then requested that the scope of the docket be limited to their Petition; subsequently, the Intervenor's filed separate proceedings requesting changes they originally sought in #05-0237; those two dockets, #06-0202 and #06-0379, were consolidated; while the HEPO was being drafted in #05-0237, the Petitioners in the consolidated dockets filed a Motion that the decision in #05-0237 be stayed until the 06-0202/06-0379 proceeding is completed; they also requested simultaneous Oral Argument and a single final Order for all three dockets; Staff and the Joint Utilities in #05-0237 argue that this is a back door approach to consolidation; this

would, in effect, achieve the same thing the Motion to Define Scope in 05-0237 has already denied; the Petitioners in Dockets 06-0202/06-0379 felt their due process rights were violated, but ALJ Hilliard said they were given the opportunity to respond to the Joint Utilities' proposals through testimony, cross examination and briefs; Commissioner O'Connell-Diaz agreed that due process rights had not been violated; Commissioner Lieberman questioned the connection between all three dockets, and requested this item be held for further review. This item will be considered at the October 12<sup>th</sup> Bench Meeting.

**This item was HELD – No Action Taken**

G-3	05-0684	Unicorn Oil Corporation -vs- Peoples Gas Light and Coke Company Complaint as to charging for over estimated bill and gas leak that they created when gas was shut off in Chicago, Illinois.
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**All present voted aye on the Order Dismissing Proceeding**

G-4	05-0794	E. Jerome Malry -vs- Peoples Gas Like and Coke Company Complaint as to improper accounting of services and request for an audit and investigation in Chicago, Illinois.
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Topics of discussion included: Commissioner Wright commended ALJ Moran on a very thorough outline of the substance of this docket; Commissioner O'Connell-Diaz questioned if any fees had been assessed to this Complainant; ALJ Moran stated the Circuit Court's Order does not specify any fees are to be recovered, so she did not believe any fees had been collected; Commissioner O'Connell-Diaz noted the long history of litigation between the parties both before the Commission and the Circuit Court of Cook County; she found it troubling that the Complainant has abused the Commission's process and has never used the administrative remedies available to him; she requested that, if there is an opportunity in the future, the Office of General Counsel could consider charging fees.

**All present voted aye on the Order Dismissing Proceeding**

G-5	06-0538	Latacia Morgan -vs- The Peoples Gas Light and Coke Company Complaint as to billing/and or charges in Chicago, Illinois.
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**All present voted aye on the Joint Motion to Dismiss**

**Telecommunications**

**"Do Not Investigate" Tariff Recommendations**

**"Do Not Suspend" Tariff Recommendations**

**Investigate Tariff Recommendations**

**Suspend Orders/Resuspension Orders**

**Certificate Cases**

T-1	06-0478	Globetel, Inc. Application for a certificate of local authority to operate as a reseller and facilities based carrier of telecommunications services in LATA 358 in the State of Illinois.
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**All present voted aye on the Order Granting Certificates**

**Surrender of Certificates**

T-2	06-0580	Midwest Payphones INC. Petition to Withdraw Certificate of Service Authority.
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**All present voted aye on the Order Granting Petition**

**Complaint Cases**

T-3	05-0729	Loretta Kidd -vs- Illinois Bell Telephone Company Complaint as to service in Chicago, Illinois.
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**All present voted aye on the Order Dismissing Proceeding with prejudice**

**9-1-1 Cases**

**Other**

T-4	06-0638	Illinois Commerce Commission On Its Own Motion -vs- Airnex Communications, Inc. Citation for failure to maintain corporate status
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**All present voted aye on the Order Initiating Citation Proceeding**

T-5	06-0639	Illinois Commerce Commission On Its Own Motion -vs- Via One Technologies, Inc. Citation for failure to maintain corporate status
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**All present voted aye on the Order Initiating Citation Proceeding**

T-6	03-0713	Illinois Bell Telephone Company Application for an Order (1) Authorizing Certain Revisions to the Chicago-O'Hare and Des Plaines Exchanges, and (2) Granting New Certificates of Exchange Service Authority for Said Exchange.
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**All present voted aye on the Order Approving Application**

T-7	06-0038	Midwestern Telecommunications, Incorporated Application for Designation as an Eligible Telecommunications Carrier for Purpose of Receiving Federal Universal Service Support pursuant to Section 214(e)(2) of the Telecommunications Act of 1996.
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**All present voted aye on the Order Approving Application**

T-8	06-0313	Illinois Commerce Commission -vs- Bee Line Long Distance, LLC d/b/a Hello Telecom Citation for failure to file Annual Report.
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**All present voted aye on the Order Revoking Certificate**

T-9	06-0323	Illinois Commerce Commission -vs- OneStar Long Distance, Inc. d/b/a One Star Long Distance Citation for failure to file Annual Report.
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**All present voted aye on the Order Revoking Certificate**

T-10          06-0324          Illinois Commerce Commission  
                                 -vs-  
                                 OneStar Long Distance, Inc.  
                                 Citation for failure to file Annual Report.

**All present voted aye on the Order Revoking Certificate**

T-11          06-0325          Illinois Commerce Commission  
                                 -vs-  
                                 Optical Telephone Corporation  
                                 Citation for failure to file Annual Report.

**All present voted aye on the Order Revoking Certificate**

T-12          06-0326          Illinois Commerce Commission  
                                 -vs-  
                                 Teleclose, Inc.  
                                 Citation for failure to file Annual Report.

**All present voted aye on the Order Revoking Certificate**

T-13          06-0327          Illinois Commerce Commission  
                                 -vs-  
                                 Telephone Company of Central Florida, Inc.  
                                 Citation for failure to file Annual Report.

**All present voted aye on the Order Revoking Certificate**

T-14          06-0328          Illinois Commerce Commission  
                                 -vs-  
                                 Transcommunications, Inc.  
                                 Citation for failure to file Annual Report.

**All present voted aye on the Order Revoking Certificate**

T-15          06-0329          Illinois Commerce Commission  
                                 -vs-  
                                 W2COM International, LLC  
                                 Citation for failure to file Annual Report.

**All present voted aye on the Order Revoking Certificate**

T-16          06-048          Illinois Commerce Commission  
   On Its Own Motion  
   -VS-  
   Acceris Communications Corp.  
   Citation for failure to maintain corporate status.

**All present voted aye on the Order Revoking Certificate**

T-17          06-0481          Illinois Commerce Commission  
   On Its Own Motion  
   -VS-  
   Axces, Inc. d/b/a Axces of Delaware  
   Citation for failure to maintain corporate status.

**All present voted aye on the Order Revoking Certificate**

T-18          06-0482          Illinois Commerce Commission  
   On Its Own Motion  
   -VS-  
   Buehner-Fry, Inc. d/b/a DirectDial USA d/b/a Resort  
   Operator Services  
   Citation for failure to maintain corporate status.

**All present voted aye on the Order Revoking Certificate**

T-19          06-0486          Illinois Commerce Commission  
   On Its Own Motion  
   -VS-  
   McGraw Communications, Inc.  
   Citation for failure to maintain corporate status.

**All present voted aye on the Order Revoking Certificate**

T-20          06-0487          Illinois Commerce Commission  
   On Its Own Motion  
   -VS-  
   New Century Telecom, Inc.  
   Citation for failure to maintain corporate status.

**All present voted aye on the Order Revoking Certificate**

T-21          06-0488          Illinois Commerce Commission  
   On Its Own Motion  
   -VS-

Universal Access, Inc.  
Citation for failure to maintain corporate status.

**All present voted aye on the Order Revoking Certificate**

T-22          06-0489          Illinois Commerce Commission  
                                 On Its Own Motion  
                                 -vs-  
                                 AllCom USA, Inc.  
                                 Citation for failure to file Annual Report.

**All present voted aye on the Order Revoking Certificate**

T-23          06-0483          Illinois Commerce Commission  
                                 On Its Own Motion  
                                 -vs-  
                                 BuzB Corporation  
                                 Citation for failure to maintain corporate status.

**All present voted aye on the Motion to Dismiss**

T-24          06-0484          Illinois Commerce Commission  
                                 On Its Own Motion  
                                 -vs-  
                                 Buzz Telecom, Corporation  
                                 Citation for failure to maintain corporate status.

**All present voted aye on the Motion to Dismiss**

T-25          06-0485          Illinois Commerce Commission  
                                 On Its Own Motion  
                                 -vs-  
                                 Inmark, Inc. d/b/a Preferred Billing  
                                 Citation for failure to maintain corporate status.

**All present voted aye on the Motion to Dismiss**

<b>Section 252</b>
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T-26          06-0308          The Marseilles Telephone Company and WirelessCo, L.P.;  
                                 SprintCom, Inc.; Nextel West Corp.  
                                 Joint Petition for Approval of an Arbitrated Interconnection  
                                 Agreement pursuant to 47 U.S.C. Section 252.

**All present voted aye on the Amendatory Order**

T-27	06-0309	Metamora Telephone Company and WirelessCo, L.P.; SprintCom, Inc.; Nextel West Corp. Joint Petition for Approval of an Arbitrated Interconnection Agreement pursuant to 47 U.S.C. Section 252.
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**All present voted aye on the Amendatory Order**

T-28	06-0479	Illinois Bell Telephone Company and Future Communications, Inc. Joint Petition for Approval of Paging Interconnection Agreement dated July 10, 2006, pursuant to 47 U.S.C. Sections 252.
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**All present voted aye on the Order Approving Agreement**

T-29	06-0500	Illinois Bell Telephone Company and YMax Communications Corp. Joint Petition for Approval of Negotiated Interconnection Agreement dated July 6, 2006, pursuant to 47 U.S.C. Section 252.
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**All present voted aye on the Order Approving Agreement**

T-30	06-0574	Illinois Bell Telephone Company and Illinois Telephone Corporation Joint Petition for Approval of Interconnection Agreement dated August 8, 2006, pursuant to 47 USC. Section252.
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**All present voted aye on the Order Approving Agreement**

T-31	06-0575	Illinois Bell Telephone Company and Illinois Telephone Corporation Joint Petition for Approval of 1st Amendment to Interconnection Agreement dated August 10, 2006, pursuant to 47 U.S.C. Section252.
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**All present voted aye on the Order Approving Amendment to Agreement**

<b>Water and Sewer</b>
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W-1	WRM #010 SRM #006	Aqua Illinois, Inc. Proposed increase in the usage rates and minimum bills
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for both water and sewer service to customers residing in the Ivanhoe Club Development.

Topics of discussion included: John Hendrickson, Financial Analysis Department, reported the Company had filed a compliance tariff to the Order in #00-0366; Staff had concerns with the filing and felt further investigation was needed; therefore, Staff submitted the suspension memo; the Company then sent in the information requested; the new tariffs are in compliance, and Staff requested the Company withdraw the original tariff filing.

**This item was WITHDRAWN – No Action Taken**

<b>Miscellaneous</b>
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<b>Petitions for Rehearing</b>
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PR-1	06-0522	Rockwell Utilities, LLC Petition for a Certificate of Public Convenience and (Cons.) Necessity to provide water and sanitary sewer service to parcels in Lake County, pursuant to Section 8-406 of the 06-0523 Public Utilities Act.
		Rockwell Utilities, LLC Petition for a Certificate of Public Convenience and Necessity to provide water and sanitary sewer service to parcels in Lake County, pursuant to Section 8-406 of the Public Utilities Act.

**All present voted aye to Deny the Application for Rehearing**

**All present voted aye to Deny the Motion to Stay**

PR-2	06-0168	Barbara R. Miller and Chuck Nwaneshiudu -vs- Santanna Natural Gas Corporation d/b/a Santanna Energy Services Complaint as to billing/charges in Chicago, Illinois.
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**All present voted aye to Deny the Application for Rehearing**

<b>Scheduling of Meetings and Other Business</b>
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Annual Certification of Federal Universal Service Funding

**Commissioner Lieberman made a Motion to Submit the Annual Certification of Federal Universal Funding. Commissioner O'Connell-Diaz seconded the Motion. All present voted aye on the Motion.**

Approval of Report on Telecommunications Markets in Illinois Submitted to the Illinois General Assembly Pursuant to Section 13-407 of the Illinois Public Utilities Act.

**All present voted aye to forward the Report to the General Assembly**

#### Administrative Matters

The meeting was recessed for an administrative meeting. The Administrative Meeting was convened. Attending in Springfield were: Chairman Box, Commissioners Wright, Gene Beyer, Harry Stoller, Tom Kennedy, Beth Bosch, Richard Zuraski and Tim Anderson. Attending in Chicago were: Commissioners Ford, Lieberman and O'Connell-Diaz. Also in attendance were: Tom Aridas and Mary Stephenson-Schroeder.

#### 1. The Commission's Official 2007 Calendar (Aridas):

Tom Aridas presented a draft of the Commission Calendar for 2007. Commissioners were asked to review the draft and provide any revisions prior to the October 12 Bench Meeting. The intention is for the Calendar to be finalized at that time.

#### 2. Electric Procurement – Next Steps (Anderson):

Tim Anderson, Gene Beyer, Harry Stoller, Tom Kennedy and Richard Zuraski presented a status report of electric procurement issues post-auction. Issues surrounding the fixed price section that were not investigated included media accounts, preparation for future action and release dates for public reports. Issues discussed regarding the hourly priced section were limited to procedural matters.

The meeting was adjourned.